

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

SUSAN A GERNER
Claimant

APPEAL NO: 14A-UI-03529-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 03/02/14
Claimant: Appellant (2)**

871 IAC 24.2(1)a & h(1) & (2) - Backdating

STATEMENT OF THE CASE:

Susan A. Gerner (claimant) appealed a representative's March 25, 2014 decision (reference 01) that denied the claimant's request to backdate the claim prior to March 2, 2014. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on April 23, 2014. The claimant participated in the hearing. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Should the claimant's request to back date her claim be granted?

FINDINGS OF FACT:

The claimant had a temporary separation from employment through a layoff from February 24 through February 28, 2014. She had gone to a local community center on February 28 and had attempted to establish an on-line claim for unemployment insurance benefits, but only got error messages. She went to the same community center and the same computer and tried again, going through the same steps, on March 3, and was then successful in establishing a claim effective March 2, 2014.

REASONING AND CONCLUSIONS OF LAW:

Agency rule 871 IAC 24.2(1)h provides that claims for unemployment insurance benefits are ordinarily effective on the Sunday of the calendar week in which the individual files the initial claim. For good cause, a claim may be backdated. The administrative law judge finds good cause in that the claimant made a good faith attempt and effort to establish her claim during the week for which she was seeking to establish a claim. The claim should be backdated to February 23, 2014.

DECISION:

The representative's March 25, 2014 decision (reference 01) is reversed. The claimant's request to backdate her claim to February 23, 2014 is granted.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

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